IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 67 of 2005

Between:

Gode Mohan Rao, S/o Babu Rao,
R/o Parnashala, Dummugudem Mandal,
Krishna District.

..... PETITIONER

AND

The Mandal Revenue Officer, Dummugudem Mandal, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent i.e., Mandal Revenue Officer, Dummugudem Mandal, Khammam District, in taking steps to evict the petitioner herein from the lands ie., Sy.No. 35/3, to extent of Ac. 1.07 gts of Parnasala Village, Dummugudem Mandal, Khammam District and Sy.No. 10/5 an extent of Ac. 0.65 gts of Narayanapuram village, Dummugudem Mandal, Khammam District without following the procedure laid down under Land Encroachment Act and without due process of law as illegal and void and opposed to Articles 14, 19,21 and 300 (A) of Constitution of India and consequently to direct the respondents not to dispossess the petitioner without due process of law.

Counsel for the Petitioner: MR.GOLI.RAMA KRISHNA

Counsel for the Respondent: GP FOR REVENUE

The Court made the following ORDER:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

This writ petition is filed by the petitioner on mere apprehension that the respondent will not follow the procedure under the provisions of the Land Encroachment Act (for short 'the Act') or any other law, in evicting him from the land in Survey No.35/3 in an extent of Ac.1.07 guntas of Parnasala Village, Dummugudem Mandal, Khammam District and Ac.0.65 guntas of land in Survey No.10/5 of Narayanapuram village, Dummugudem Mandal, Khammam District.

Once the petitioner alleged that he is in possession of the lands in question since 1960, the respondents are under obligation to follow the procedure. Even though the said possession is unauthorised, the respondents are expected to follow the procedure and put the petitioner on notice for such eviction. Without following the said procedure, the petitioner cannot be dispossessed from his property.

The writ petition is accordingly dismissed. No costs.

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A. Gopal Reddy, J

Date: 11.01.2005

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To

1. The Mandal Revenue Officer, Dummugudem Mandal, Khammam District.
2. Two CD Copies to G.P. for Revenue, High Court of A.P., Buildings, Hyderabad.
3. Two CD Copies